REMARKS

In response to the Office Action dated September 8, 2005, Assignee respectfully requests reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") rejected claims 1, 4, -6, 8, 10-15, 17, and 19 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,510,466 to Cox *et al.* in view of U.S. Patent 4,951,192 to Chase, Jr. *et al.* Claim 2 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Cox* in view of *Chase* and further in view of U.S. Patent 6,516,337 to Tripp *et al.* Claims 3, 7, and 9 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Cox* in view of *Chase* and further in view of Published U.S. Patent Application 2002/0040469 to Pramberger. The Assignee, however, respectively submits that the pending claims distinguish over the cited documents.

Rejection of Claims under 35 U.S.C. § 103 (a)

The pending claims were rejected under 35 U.S.C. § 103 (a) as being unpatentable over various combinations of *Cox*, *Chase*, *Tripp*, and *Pramberger*. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

The pending claims, however, are not obvious. All the independent claims recite features not taught or suggested by *Cox*, *Chase*, *Tripp*, and *Pramberger*, whether considered alone or in any combination. Claim 1, for example, recites a "third list includ[ing] an environment type *defining a set of nodes on which each application executes, the environment type selected from a*

common development environment, a pre-production environment, a production environment, a sandbox environment, a system test environment, and an undetermined environment type." A "clean" version of amended claim 1 is reproduced below, and independent claims 3 and 19 recite similar features.

1.   (Currently Amended) A development and deployment tracking tool for managing a plurality of software releases, said development and deployment tracking tool comprising:

a first list comprising the plurality of software releases, wherein for each software release, the first list includes a release identification and a source type;

a second list comprising software components, wherein for each component, the second list includes a build script and a script type;

a third list comprising a plurality of application operating environments, wherein for each application operating environment, the third list includes an environment type defining a set of nodes on which each application executes, the environment type selected from a common development environment, a pre-production environment, a production environment, a sandbox environment, a system test environment, and an undetermined environment type;

a fourth list comprising a plurality of nodes, wherein for each node, the fourth list includes an environment selected from the third list;

a fifth list comprising a plurality of users, wherein for each user, the fifth list includes a predetermined role, wherein the predetermined role defines the user's access rights to the development and deployment tracking tool;

a user interface for receiving a build request from a user, said build request including a release name, a component name, and a target environment, wherein the release name is selected from the first list, the component name is selected from the second list, and the target environment is selected from the third list;

wherein when a build request is received from a user, the development and deployment tracking tool checks the fifth list to verify that the user's role allows the request, and the development and deployment tracking tool executes the build script associated with the component, and updates a status associated with the build request.

The cited documents do no obviate such features. Examiner Kendall is correct — *Pramberger* mentions a "preparation of [a] physical environment." Published U.S. Patent Application 2002/0040469 to Pramberger (Apr. 4, 2002) at [0173]. Yet no where does

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Pramberger, or any of the other cited documents, teach or suggest "third list include[ing] an environment type *defining a set of nodes on which each application executes, the environment type selected from a common development environment, a pre-production environment, a production environment, a sandbox environment, a system test environment, and an undetermined environment type*." One of ordinary skill in the art, then, would not think the claims obvious in view of the cited documents. Examiner Kendall is respectfully requested to remove the § 103 (a) rejections of the claims.

Allowable Claim 3

Examiner Kendall previously indicated that claim 3 would be allowable. This most recent office action, however, makes no mention of this allowability. Although Examiner Kendall does not so state, the Assignee assumes Examiner Kendall has removed this allowability and, instead, rejected claim 3 in view of the new *Pramberger* document.

New Claim 20

This response adds new claim 20. This new claim depends from claim 19 and recites "*computer readable code for defining a deployment chain describing a migration of a software release from one environment to another environment.*" Support for such features may be found at least at paragraph [0043] of this application. Because the number of claims does not exceed twenty (20), and because the total number of independent claims does not exceed three (3), no excess claim fees are due.

If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or *scott@wzpatents.com*.

Respectfully submitted,

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